

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JODI ROUVIERE and)	
ANDRE ROUVIERE,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:18-cv-04814-LJL-SDA
)	
DEPUY ORTHOPAEDICS, INC. n/k/a)	
MEDICAL DEVICE BUSINESS)	
SERVICES, INC. and HOWMEDICA)	
OSTEONICS CORPORATION)	
d/b/a STRYKER ORTHOPAEDICS,)	
)	
Defendants.)	

DECLARATION OF FRANCIS GANNON

I, Francis H. Gannon, MD, hereby affirm and declare under penalties of perjury that the below facts and claims are true and correct:

1. I am over the age of 18 and a citizen of the United States. I currently reside in Harris County, Texas.
2. I am a duly licensed medical doctor and currently employed at Baylor College of Medicine as a Professor Of Pathology and Immunology and Orthopedic Surgery, Medical Director of Community Pathology Associates, and Vice Chair of Clinical Operations for the Department of Pathology and Immunology.
3. On or about March 3, 2021, I received a package via Federal Express from Gibbons PC. The package contained three slides containing tissue specimens of Jodi Rouviere. These slides were marked/labeled: S16-15059; S17-2298 A1; and S17-2298 B1.

4. I inspected and evaluated all three of the slides and determined they revealed evidence and information materially different from the previous slides provided to me for examination before I prepared my original report in this case. Specifically:

a. The slide labeled S16-15059 shows densely collagenized fibrous and fibroadipose tissue with abundant metal-laden macrophages (Fig 3 below).

b. The slide labeled S17-2298 A1 consists of densely collagenized fibrous and fibrovascular tissue with numerous metal-laden macrophages, tissue necrosis, and lymphocytes (Fig 5 below). Additionally, granulomas are seen indicating a type 4 hypersensitivity reaction.

c. Slide S17-2298 B1 shows bone and bone marrow (Fig 7 below). The bone is severely osteopenic with numerous resorptive surfaces and remodeling. The bone marrow shows trilineage maturation with no atypical features in this material.

5. Taken together, these slides show an ongoing and severe adverse reaction to metal debris in Mrs. Rouviere that continues despite revisions in her prosthesis. These changes will likely continue as the metal has been shown in this material to stay resident in the body, leading to additional pain and suffering.

6. These new slides show substantial amounts of wear debris from the Cobalt and Chromium (CoCr) and the titanium components of Mrs. Rouviere's metal hip implants were released into the joint tissue environment of the synovium and surrounding capsule. This wear debris was ingested by macrophages that were present and were recruited to the local environment. The metal wear debris ingestion leads to localized cellular death and significant scarring. This necrosis is directly associated with the metal laden macrophages. These

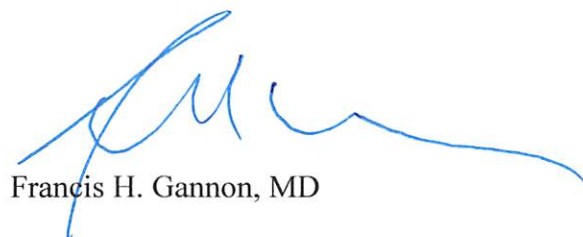
morphologic and physiologic changes led to clinical symptoms and/or findings in this case, which necessitated right hip revision surgery.

7. These new slides also more definitively reveal that Mrs. Rouviere experienced an adverse reaction to metal debris as a result of wear from metal-to-metal contact in the implanted hip components. This led to accumulation of metal wear debris in and around the implant site, causing subsequent tissue destruction, bone damage, pain and difficulty ambulating and eventually leading revision surgery.

8. Had I the chance to review these slides prior to my previous report and my deposition, several of my deposition answers would have been different, including, but not limited to, my response regarding ongoing immunologic responses and tissue damage in Mrs. Rouviere as a result of retained metal particles and the lack of correlation between serum ion levels and the ongoing tissue destruction.

9. My opinions herein are to a reasonable degree of medical certainty and are based upon my education, training, clinical and practical experience, working knowledge of the published medical and scientific literature over the course of my career, and review and/or examination of medical records, reports and/or tissue specimens taken from the right hip revision surgery as well as other records provided to me.

PURSUANT TO TITLE 28 U.S.C. 1746, I, Francis Gannon, MD, hereby declare and affirm that the foregoing facts and claims are true and correct, done under penalties of perjury on this 26th day of March, 2021.



Francis H. Gannon, MD